

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Gerald E. Rosen

-VS-

No. 09-CR-20559-03

D-3 DeDAN C. MILTON,

Sentencing Date: June 30, 2010

Defendant.

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**GOVERNMENT'S SENTENCING MEMORANDUM  
AS TO DEFENDANT DeDAN C. MILTON**

The government submits the following memorandum in connection with the sentencing of defendant DeDan C. Milton on June 30, 2010. The government recommends that Mr. Milton be sentenced within the range set forth in the sentencing guidelines for his type of misconduct. The reasons for this recommendation are set forth below.

**DISCUSSION**

As the Court is aware, Title 18, United States Code, Section 3553(a) requires the Court to impose a sentence which is sufficient, but not greater than

necessary to comply with the purposes set forth in that section. The government will summarize the statutory factors most applicable to this case.

**A. The Nature and Circumstances of the Offense**

Mr. Milton's plea agreement contains a statement of facts applicable to him. In the fall of 2005, he agreed to help Jerry Rivers facilitate the sale of the City of Detroit's 8th Precinct police station to a developer. At the time, Mr. Milton was an executive assistant to the then-mayor of Detroit and Rivers was a Detroit police officer. In the fall of 2006, Mr. Milton encouraged city officials to move forward with the sale of the property. In February 2007, following the sale, Rivers gave Mr. Milton and his brother, Kandia Milton, the mayor's liaison to city council, each \$6,250 in cash for their help in the sale.

In late 2006, Mr. Milton agreed to help Rivers with the sale of the city-owned Camp Brighton/Detroit Recreation Camp to a non-profit entity. Rivers said that if the city approved the sale, he would give Mr. Milton part of the commission he received from the non-profit entity. Thereafter, Mr. Milton arranged for meetings between officials of the non-profit entity and city department directors, at which time he encouraged city officials to move the process forward. At the recommendation of these city officials, the city council approved the sale of Camp Brighton to the non-profit entity for \$3.5 million in June 2007.

After the sale closed, Rivers recruited a middleman to accept the money from the non-profit entity. Rivers gave Mr. Milton \$10,000, broken into two \$5,000 checks, drawn from the bank account of the middleman's business. Mr. Milton knew that steps needed to be taken to conceal receipt of the funds because it was unlawful for him to accept money in return for his role in the sale.

**B. History and Characteristics of the Defendant**

Aside from a disorderly conduct conviction in 1999, Mr. Milton had no criminal record before pleading guilty to the offense described above. After he was indicted by the grand jury, he accepted responsibility for his role in the misconduct and has not been in trouble since.

**C. Seriousness of the Offense, Promoting Respect for the Law, Providing Just Punishment, and Affording Adequate Deterrence**

Mr. Milton's offense is serious. As a city official, he knew he could not accept money in exchange for his official assistance in the sale of city property. He and his co-conspirators showed their guilty knowledge by taking a number of steps to hide their participation in the sale, including hiring a middleman to accept the sales commission, then breaking up the payments into multiple checks to avoid currency transaction reports to the IRS.

Mr. Milton abused his position of trust as a city official by putting his personal financial enrichment above the interests of the citizens of the city.<sup>1</sup> This type of self-dealing has a corrosive impact not only on the public's faith in city government, but on other public servants and municipal contractors who may be tempted to engage in similar behavior. Accordingly, there is a need for a sentence that is sufficient to instill public confidence in the rule of law and to deter others from committing similar misconduct.

**D. Kinds of Sentences Contemplated by the Sentencing Guidelines**

As part of Mr. Milton's plea agreement, the parties agreed that the correct calculation of his sentencing guidelines range of imprisonment is 37 to 46 months. The probation department concurs with this calculation. Mr. Milton's plea agreement contained the possibility of a downward departure if he provided substantial assistance in the investigation and prosecution of others involved in criminal activities. As explained in the government's separate cooperation

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<sup>1</sup> It should be noted, however, that the government and the probation department have not obtained reliable information that Camp Brighton and the 8th Precinct police station could have been sold for higher prices if not for the bribes. As a result, the government cannot prove by a preponderance of the evidence that the city suffered an actual financial loss from these sales, except that those portions of the commissions illegally diverted to Mr. Milton and his brother could have been added to the purchase price of the properties.

memorandum, at this time Mr. Milton has not provided such assistance so no motion has been made by the government.

**E.     Avoiding Unwarranted Sentence Disparities  
          Among Similarly Situated Defendants**

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Sentencing Mr. Milton within the recommended guidelines range would not create disparities among defendants with similar records who have been found guilty of similar crimes. In determining an appropriate sentence, there are two categories of defendants to evaluate: Mr. Milton's co-defendants Jerry Rivers and Kandia Milton, and similarly situated defendants in other cases. Each are described, below.

**1.     Co-Defendants**

There are a number of factors distinguishing Mr. Milton's potential sentence from that of Rivers. First, the guidelines range of imprisonment for Mr. Milton is 37 to 46 months, two levels higher than for Rivers because Mr. Milton was a public official with a fiduciary responsibility to the city.<sup>2</sup> Moreover, unlike Mr. Milton, Rivers qualifies for a downward departure from his guidelines range because of his substantial assistance in the investigation and prosecution of others.

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<sup>2</sup> It should be noted, however, that Mr. Rivers obtained the most money from the sales of Camp Brighton and the 8<sup>th</sup> Precinct police station, receiving \$32,000, while Kandia Milton received \$25,250, and DeDan Milton received \$16,250.

Rivers immediately admitted his guilt when confronted by federal agents and agreed to cooperate soon thereafter. His cooperation was instrumental in obtaining convictions of Mr. Milton and his brother, Kandia Milton. By contrast, when Mr. Milton was approached by law enforcement agents, he declined to accept responsibility for his role in the offenses until after a federal grand jury indicted him on five counts of bribery and extortion. Although Mr. Milton has spoken with law enforcement agents since pleading guilty, his information has not amounted to substantial assistance in the government's investigation.

Kandia Milton's cooperation is not yet complete, so it is difficult to compare his potential sentence with Mr. Milton's at this time.

## **2. Similarly Situated Defendants**

The Court also should consider other similarly situated defendants in this judicial district. While there is not a substantial pool of defendants from which to compare Mr. Milton's conduct, the government's recent prosecutions of local corruption are instructive.

The most applicable of these defendants are the ones who, like Mr. Milton, did not receive downward departures for substantial assistance. On the upper end of this range of defendants is Rayford Jackson, the Synagro consultant who pleaded guilty to paying bribes, then defiantly told the news media he would never

cooperate with the government. Jackson, who was sentenced to 60 months in prison, was not a public official like Mr. Milton. Unlike Mr. Milton, however, Jackson showed no contrition or remorse for his criminal behavior, which was more extensive and long-standing.

Like Mr. Milton, Monica Conyers was a public official who accepted bribes in exchange for her official action. The government presented evidence that she engaged in more extensive misconduct than Mr. Milton, which she disputed. Ultimately, the court sentenced her to 37 months in prison based on the bribes she obtained from Jackson for her Synagro vote, without consideration of the other evidence of misconduct presented by the government.

Alonzo Bates, a former city council member, was sentenced to 33 months in prison following his conviction at trial for stealing city funds for himself and his associates. Unlike Mr. Milton, Bates never accepted responsibility for his crimes. Bates's offenses of conviction, however, were not for taking bribes, but for stealing city money.

Many of the other defendants who have pled guilty so far in the government's local corruption prosecutions – e.g., William Lattimore, Efstathios Louis Pavledes, James Rosendall and Karl Kado – have received sentences far below Mr. Milton's guidelines range of imprisonment. None of these sentences

are comparable, however, because each of these defendants provided significant assistance to the government in the prosecution of others.

In light of these corruption sentences, Mr. Milton's 37 to 46 month guidelines range of imprisonment is appropriate and there is no reasonable basis to depart downward from it.

### **CONCLUSION**

Based on the foregoing, the government recommends that the Court sentence defendant DeDan Milton within his guidelines range of imprisonment.

Respectfully submitted,

BARBARA L. McQUADE  
United States Attorney

s/MARK CHUTKOW  
Assistant United States Attorney

s/R. MICHAEL BULLOTTA  
Assistant United States Attorney

Dated: June 28, 2010



**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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s/MARK CHUTKOW  
Assistant U. S. Attorney

Dated: June 28, 2010